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June 27, 2024

Via Electronic Filing

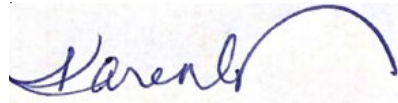
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: PA Public Utility Commission v. Aqua Pennsylvania, Inc.
Docket Nos. R-2024-3047822 and R-2024-3047824

Dear Secretary Chiavetta:

Enclosed for electronic filing please find New Wilmington Municipal Authority's ("NWMA") Petition to Intervene with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Karen O. Moury

KOM/lww

Enclosure

cc: Hon. Gail M. Chiodo w/enc.
Hon. Alphonso Arnold III w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a true and correct copy of New Wilmington Municipal Authority's Petition to Intervene upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54.

VIA E-MAIL

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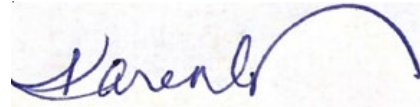
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Karen O Moury, Esquire

Date: June 27, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket Nos. R-2024-3047822
	:	R-2024-3047824
Aqua Pennsylvania, Inc.	:	

**PETITION TO INTERVENE OF
NEW WILMINGTON MUNICIPAL AUTHORITY**

Pursuant to 52 Pa. Code §§ 5.71-5.75, New Wilmington Municipal Authority (“NWMA”) petitions to intervene in the above-captioned proceedings filed by Aqua Pennsylvania, Inc. (“Aqua” or “Company”) at the Pennsylvania Public Utility Commission (“Commission”). In support of its Petition to Intervene, NWMA avers as follows:

1. On May 23, 2024, Aqua filed Tariff Water–PA P.U.C. No. 4 (“Tariff Water - No. 4”) with the Commission to become effective July 22, 2024. Tariff No. 4 would increase Aqua’s total annual operating revenues for water service by approximately \$112 million, or 18.7%.

2. On May 23, 2024, Aqua, Utility Code 230240, filed Tariff Sewer–PA P.U.C. No. 4 (“Tariff Sewer - No. 4”) with the Commission to become effective July 22, 2024. Tariff No. 4 would increase Aqua’s total annual operating revenues for wastewater service by approximately \$14.6 million, or 20.1%.

3. By Orders entered on June 13, 2024, the Commission suspended the rate increases proposed by Tariff Water – No. 4 and Tariff Sewer – No. 4 for further investigation until February 22, 2025, unless permitted by Commission Order to become effective at an earlier date.

4. A telephonic prehearing conference is scheduled for July 1, 2024.

5. On June 18, 2024, Administrative Law Judge Gail M. Chiodo and Administrative Law Judge Alphonso Arnold III issued Prehearing Conference Orders setting forth the procedural matters that will be addressed during the prehearing conference.

6. NWMA's attorneys in this matter are:

Karen O. Moury, Esquire
Carl R. Shultz, Esquire
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213 Market St., 8th Floor
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7. NWMA consents to the service of documents by electronic mail to kmoury@eckertseamans.com and cshultz@eckertseamans.com. The primary speaker for NWMA during the prehearing conference will be Karen O. Moury.

8. The Commission's regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). Intervention is also permitted where participation of the person may be in the public interest. 52 Pa. Code § 5.72(a)(3).

9. NWMA is a municipal authority that, inter alia, delivers water to residents and businesses of the Borough of New Wilmington ("Borough") through its distribution system. The Borough of New Wilmington has a population of approximately 2,000 and the NWMA's customer base includes large water users such as Westminster College, Wilmington Area School District and two long-term nursing facilities, Shenango On the Green and The Grove at New Wilmington. From 2008 through May 2022, NWMA purchased the water that it delivers to residents and

businesses of the Borough from Aqua under a 30-year contract, which involved a negotiated rate pursuant to Aqua's Demand Based Resale ("DSR") Service Rider.

10. On August 20, 2021, Aqua filed a base rate case with the Commission seeking an increase in its total annual operating revenues for water service by approximately 16.9%.¹ In that filing, Aqua did not propose any changes to the DRS Rider or to NWMA's negotiated rates. However, during the proceeding, the Bureau of Investigation and Enforcement ("I&E") advanced a proposal to move NWMA from negotiated rates to full tariff rates. The Recommended Decision issued by the Office of Administrative Law Judge recommended adoption of the I&E proposal. By Order entered on May 16, 2022, the Commission likewise adopted this recommendation.² The rationale offered for the removal of NWMA from negotiated rates was the lack of evidence regarding viable competitive alternatives.

11. Under the Commission's May 2022 Order, NWMA's rate increased from \$5.66 per 1,000 gallons to \$14.017 per 1,000 gallons, which is an increase of nearly 150%. Based on NWMA's typical consumption, its yearly charges for water rose from approximately \$350,000 to \$870,000.

12. On August 9, 2022, NWMA filed a Petition for Modification of the May 2022 Order, which is still pending before the Commission. In the interim, NWMA has explored its competitive alternatives and engaged in further negotiations with Aqua, which resulted in the Commission's confidential approval of a new contract rate for NWMA.

13. NWMA is seeking to intervene in this base rate case to take measures that may be necessary to preserve its negotiated rate with Aqua. As such, NWMA meets the standards for

¹ *Pa. Public Utility Commission v. Aqua Pennsylvania, Inc.*, Docket No. R-2021-3027385 (Order entered May 16, 2022).

² May 2022 Order at 53-67.

intervention set forth in 52 Pa. Code § 5.72(a). NWMA possesses an interest in staying on the negotiated rate, which may be directly affected and which is not adequately represented by existing participants, and as to which it will be bound by the action of the Commission in the proceeding.

WHEREFORE, New Wilmington Municipal Authority respectfully requests that the Commission grant this Petition to Intervene and that the NWMA be afforded full party status in this proceeding.

Respectfully submitted,

Karen O. Moury

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Dated: June 27, 2024

Attorneys for
New Wilmington Municipal Authority

Verification

I, Karen O. Moury, state that I am an Attorney of Record for New Wilmington Municipal Authority and that as such I am authorized to make this verification on its behalf. I hereby state that the facts set forth in the foregoing Petition are true and correct (or are true and correct to the best of my knowledge, information and belief). I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: June 27, 2024

Karen O. Moury
Karen O. Moury, Esq.